THE New Republic

How Soon Will the Children Receive Their Salk Shots?

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WIRETAP SCANDAL

Alan F. Westin Says It's Time to Pass a Law

ADENAUER and MOSCOW

Michael Straight Discusses Russia's Invitation

RE-ASSESSMENT: 1955

MALCOLM COWLEY

on 'The Ordeal of Mark Twain' by Van Wyck Brooks

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JUNE 20, 1955

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Washington Wire .... T.R.B.

When you cross the imaginary line that separates the US from Canada, the trees and houses look the same but there is a difference. You are in a country where the government governs. In Canada every child is getting the Salk vaccine without any fuss, and the government is paying the bill. Only rarely does something like the Salk vaccine make US citizens look north. We analyze Europe, we survey Asia, we ignore Canada.

Practically every type of social legislation which conservatives in the United States say would bankrupt the country is in vogue in Canada. The result is that Canada's dollar sells at a slight premium over the US dollar. Her credit is better than ours. Her children also get the Salk vaccine when ours don't and get it free.

Here are some of the horrifying socialistic things the Canadian Government does: It owns and operates a coast-to-coast broadcasting system, TV system, air transport system and railway system—most of these in competition with private companies. It owns and runs a worldwide shipping and cable system. Among other things, it operates huge grain-storage terminals and has scattered enterprises like hotels and uranium installations.

But this isn't all. Every Canadian at 70 automatically gets $40 a month for the rest of his life, let alone what he may also get from a provincial government. The old codgers aren't even humiliated with a means test; they get it as a matter of right and can look you in the eye after this disgraceful handout. This shocking situation has gone on for three years. But worse still is the family allowance law—Canada's "baby bonus"—whose 10th anniversary comes this July 1.

We hope the revelation we are about to make never comes to the attention of any true-blue US conservative, for the shock might be too great (we are confident he won't read about it in the conservative local press). For 10 years the Canadians have been quietly paying the mother of every child born in the Dominion, whether Montreal housewife or Eskimo squaw, in cash or kind, $5 a month till the child is six; $6 till it is 10; $7 to 13 and $8 to 16. We submit to our readers that the real danger to American institutions is not Moscow but Ottawa! Was this legislation rammed through by a bare majority of left-wing fellow-travelers? No, as we explained, the atmosphere is different in Canada. On final passage not a single vote was cast against the measure.

So let's all get together and ignore Canada. Let's give three hearty yawns if any oaf happens to mention the 10th anniversary of the revolutionary Canadian family-allowance act. Big business in the US knows better than to approve *that* sort of government interference. And as a result . . . Ford has just had to sign the first Guaranteed Annual Wage contract, because where the government doesn't underpin the family economy (as in Canada) big business is going to have to shoulder the load (as in the USA).

This is the week President Eisenhower disappears. He will be in hiding three days. It is a simulated civil defense evacuation, with Washington "knocked out." Authorities are urging the press to treat the big show solemnly but a note of levity keeps creeping in. Indeed we wonder a good deal about "civilian defense." Paris, Berlin and London are nearer possible A-bomb attack than we are, but we haven't noted any practice evacuations there. We wonder if these CD signs really do any good, the ones on bridges with big, black print beginning, "IN CASE OF ENEMY ATTACK." Apparently they are stuck up to scare people on strategic roads and bridges from coast to coast. We favor all proper defense precautions, of course. But how long, really, can we keep up this military melodrama? We hope Ike's hide-out is near a golf course.

The very resonance of the big House caucus room last week emphasized its vast emptiness. A hearing on power was being held. There was a quartet of Congressmen, half a dozen reporters and clerks, an unhappy witness talking into the microphone and—in this great Union Station of a place—just one spectator, a woman. To us the evidence seemed spectacular. We couldn't help imagining the crowds and headlines if this episode had brought to the microphone a Truman official testifying, instead of an Eisenhower official. The witness, James Geissinger, is a lawyer in the Interior Department. He came to it without experience in electric power matters.

His superiors placed on his desk an anonymous document, later identified as having been prepared by the Pacific Gas & Electric Company and other private utilities, recommending changes in federal power regulations in their interest. A highly paid utility lobbyist casually dropped by Geissinger's office and explained why certain pending appeals should be granted. Mr. Geissinger was sympathetic to the new Eisenhower policy which critics say favors the power trust over consumers, co-operatives and public agencies. He testified that he did not call in, nor at any time consult, the representatives of the other side of the argument, the consumer and public power group. He admitted that he has now learned that some of the "facts" the lobbyist told him were not so. But he adopted as his own, and recommended verbatim, 10 of 13 changes in regulations given to the Department secretly by the PG&E, and his superiors promulgated these reversals of policy as he submitted them, quietly without fanfare, without press hand-outs. That was, in substance, the story revealed last week by Mr. Geissinger in the empty, echoing caucus room before the House Chudoff subcommittee.

The daily press is full of how "dull" this session of Congress is. This reporter has been around a long time and can't remember any precedent for a story of this sort getting so little attention. Not a word of it appeared on either of the two press association news tickers. Not a word of it, so far as we were able to see, appeared in the *New York Times*.

Every Administration effort to defend the chaotic security program breaks down on one fact stressed by former Solicitor General Philip Perlman, that under it Wolf Ladejinsky is a security risk to the Agriculture Department, a trusted public servant to the rest of the government, and that President Eisenhower knows and accepts the absurdity of the whole procedure.

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BEHIND THE HEADLINES

The President's New Atoms-for-Peace Plan

EARTHSHAKING was the general and favorable comment upon the Atoms for Peace Plan when President Eisenhower presented it to the United Nations on December 8, 1953. But no tremors were felt in the 18 months that followed. The President's inaction apparently reflected his wish that the Kremlin be given the opportunity to join in a common program for supplying backward areas with nuclear energy. Now that the Kremlin has failed to respond the President has rightly proposed that the US proceed on her own.

First, the President declared in his Commencement Address at Pennsylvania State University, the US will pay half the cost of research reactors to be built by nations or groups of nations and will further supply them with the necessary nuclear fuel.

Second, "within prudent security considerations," the US "will make available to the peoples of such friendly nations as are prepared to invest their own funds in power reactors, access to and training in the technological processes of construction and operation for peaceful purposes."

The President's new plan follows his well-publicized and ill-considered atomic powered "peace ship." This ship that would have cost $47 million was rejected by the Joint Committee on Atomic Energy as an empty gesture of salesmanship that would have contributed little to technology or good will. In its place Rep. Chet Holifield (D, Cal.) proposed an appropriation of $5 million to build 10 research reactors overseas. This suggestion evidently was written into the President's Commencement Address. The Joint Committee in turn has voted to recommend an appropriation of $5 million to carry out the proposal.

Helpful as it is, however, the President's new plan appears to be unsupported by sound preparation at the Atomic Energy Commission. And from all that can be gleaned from the President's address, Mr. Eisenhower seems once again to have missed the real point in assessing the tremendous potential of nuclear energy. The research reactors that the President offers to finance for nations that cannot afford them are comparatively cheap to build. In contrast, the power reactors, for which the President offers technical advice alone and only to individual nations, are extremely expensive. Two hundred thousand kilowatts of capacity is regarded as an economy-size nuclear power plant. Two hundred dollars per kilowatt capacity is the rough present cost of construction. Among the few nations that could afford these plants are Germany and Japan. For political and economic reasons, then, this is surely the area where the US should be using its resources to promote supranational authorities.

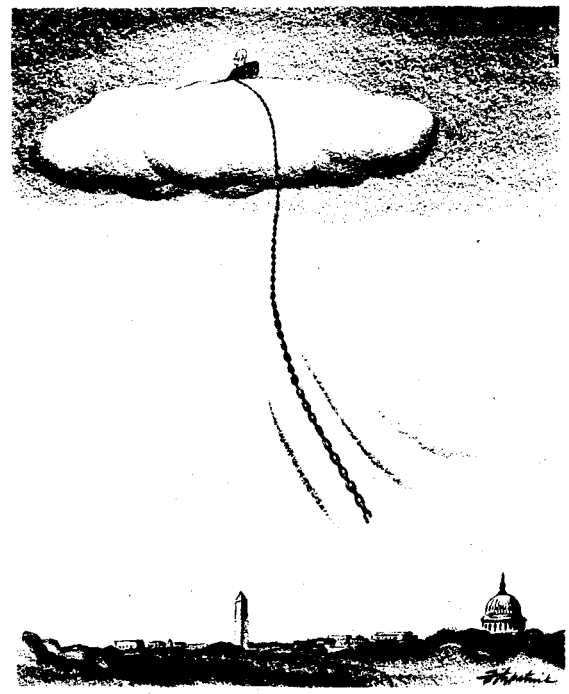
In Europe, as the article by the Editor in this issue indicates, the extension of the Coal and Steel Community to nuclear energy is an urgent and realistic goal for the West. The wise course would have been for the President to advance this goal by offering to make fissionable material available to a European energy authority. This course was indicated by the recent proposals of the Benelux nations and has been pressed privately upon the White House. How it could function we hope to suggest next week.

Meanwhile in a passing and highly technical remark, Dr. Willard Libby of the AEC has at last confirmed the inference implicit in the article by Dr. Ralph Lapp published in the *NR* for March 14. Dr. Lapp assumed then that the Bikini bomb was not a hydrogen bomb at all but one whose energy was released by natural uranium in its cheap and plentiful form. This revolution in warfare multiplies the size of the Soviet stockpile and reduces many times the cost of making more bombs. And yet while the AEC lets these facts leak out, its policy under Admiral Strauss remains one of tightening censorship while civil defense lags and the public is left to draw vital inferences from scraps of information as best it can.

Democratic Strategy

WHILE the national board of Americans for Democratic Action was repeating the now frequent charge that Majority Leader Lyndon Johnson is compromising the Democratic Party out of the running for 1956, Senator Johnson was demonstrating what kind of profit prearranged unity can produce.

Senate Democrats had been divided on the question of how to bring the Fair Labor Standards Act of 1938 up to date. Sens. Herbert Lehman (N.Y.) and James Murray (Mont.) advocated extending protection of the minimum wage law to large numbers of workers not now covered by it, and raising the legal hourly minimum from 75 cents to $1.25. The



"Government by chain of command"

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Eisenhower Administration proposed a 90-cent minimum. Many Southern Democrats violently opposed extending coverage under the Act but were willing to increase the minimum wage—though not beyond 90 cents an hour. Organized labor privately indicated willingness to settle for $1 an hour. Majority Leader Johnson stepped in to bring about a meeting of the minds in his party before the matter came up for open debate on the floor. He devised a common denominator and persuaded both groups of Democrats to go along with it. He threatened both sides that otherwise the opposition would come in with dangerous amendments on the floor. The force, if not the weight, of Johnson's argument, that a raise of the minimum wage to $1 per hour and no increase in coverage was the best that could be got, prevailed even with those liberals who had campaigned most vociferously in the past for $1.25 an hour at the least. Former ADA National Chairman Sen. Hubert Humphrey promptly hailed Johnson as "a genius in the art of legislative process;" and ADA members Paul Douglas and Wayne Morse joined in the tribute

Lyndon Johnson fans in the Senate point out that the debate on this controversial issue took less than an hour, a record for a matter of such importance. Passage came quickly and with the minimum of dissension among Democrats. Probably the legal minimum wage in interstate commerce will soon be $1 per hour instead of 75 cents. If Democratic leaders can repeat this kind of slow advance by general party agreement on issues yet to come before this Congress, the Democrats will have something to talk about in 1956, and the difficult problem of how to campaign against Eisenhower will be vastly simpler for their almost certain nominee for President, Adlai Stevenson.

The Supreme Court Chooses Not To Choose

IN THE CASE of Dr. John Peters, the Yale physician who was fired on loyalty grounds from the Department of Health, Education and Welfare, and who carried his appeal to the Supreme Court, a great question was raised: Can the Government deprive an employee of his job and his reputation for loyalty after a mock trial in which the right of the accused to confront his accuser is denied?

Once before, this question was brought to the Court in the case of Dorothy Bailey. On that occasion the Court tried deciding the question and split, four to four. Result: no decision. On this, the second try, the lawyers for Dr. Peters concentrated upon the constitutionality of the Executive Order by which President Truman created the program, hoping that two new Justices might swing the Court toward decision. Government attorneys also pleaded with the Court to lift the constitutional doubt under which the program operates today. But the Court limited its decision to the jurisdiction of the Loyalty Board.

The Board was entitled, under President Truman's Executive Order, to review findings of disloyalty by lower boards. It was not given, explicitly, power to review and to reverse findings of loyalty. But later it began upsetting findings in favor of employees, including Dr. Peters. President Eisenhower acquiesced in the Board's action and attorneys for both sides agreed that made it legal. The Supreme Court disagreed. "There is no evidence that the President even knew of the Board's practice prior to April 27, 1953," it found. And thus the Court reached its conclusion that, "The Loyalty Review Board's action was so patently in violation of the Executive Order . . . that the constitutionality of the order does not come into issue."

Well-founded as the belief may be that President Eisenhower does not always know what goes on in his own government, the Court's decision arouses a wry smile. For requiring personal knowledge by the President of every action taken in his name would bring the whole administrative process to a rasping halt. In other words, the Court was satisfied with a mountain track, over slippery ground, to detour the constitutional question. It avoided a constitutional decision when a technical decision would manage. Why?

This takes us back to 1610 when Lord Coke was Chancellor of England, engaged then in fierce jurisdictional battles with the King's Court and the Ecclesiastical Courts, which sought to poach upon his preserve, the common law. So, in Dr. Bonhom's case, Coke defended his prerogatives in this language.

> It appears in our books [Coke wrote] that in many cases the common law will controul Acts of Parliament, and sometimes adjudge them to be utterly void: for when an Act of Parliament is against common right and reason . . . the common law will controul it and adjudge such act to be void.

Actually, according to legal historians, there were no such uses "in our books." But Coke's idea, transmitted by Blackstone, gained favor in the colonies, though seldom applied in England. By the time that the Constitution was born, judicial review was a familiar part of the American scene. Though the role of the Supreme Court as ultimate arbiter of constitutionality is nowhere stated "in

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terms" in the Constitution, it is strongly implied, and it was no great surprise when it was first asserted by Chief Justice Marshall in Marbury *vs.* Madison (1803). Fragments of debate in the Constitutional Convention and sections of "The Federalist" all indicate that Chief Justice Marshall was merely asserting, for the *Supreme* Court, a function which American courts had frequently assumed in the long battle to assure "certain inalienable rights." These rights were not all spelled out in the Constitution, or even in the first Ten Amendments. A considerable area of judicial discretion was left by the Due Process Clause of the Fifth Amendment and, later, of the Fourteenth. The Court was given the power to interpret those words, to determine how the citizen could be protected against the state, in order that our system of "ordered liberty" might be maintained.

It was to this general, discretionary responsibility that Dr. Peters appealed. The Court refused to exercise its power to protect rights at stake in the case. Behind the stated reason lies a change in attitude toward the authority of "common law," divine law and natural rights.

The Court, in the years 1933-37, frequently invoked the doctrine of "higher law" to substitute its judgment for that of the Congress. By this arrogation of authority the majority among the "nine old men" managed to erase much of New Deal legislation. Or so the liberal dissenters said. And when the dissenters accumulated a majority, they brought with them a pragmatic judicial philosophy. "Natural Law," as a justification for freewheeling judicial review under the due process clause, fell into disfavor. The new justices had many philosophical and practical reasons for "exercising judicial self-restraint." They were based on skepticism, and might be expressed in the view that great cases make bad law.

And yet the view which led the majority to seize upon a side issue in the Peters case is not necessarily final in its wisdom. The circumstances of the case were not novel and unknown to the Court. They had been fully reviewed once before in the Bailey case. Moreover, as the dissenting Justices noted, the lives and rights of millions of Americans are affected by the practices which Dr. Peters and his lawyers believed to be unconstitutional. Only rarely can any one of these citizens convey his complaint to the Supreme Court. If on each of these rare occasions the Court finds some technical grounds for redressing the grievance, then years may pass in which the general practice, however improper it may be, is built beyond remedy into our national life.

John Marshall took upon himself frequently the duty to lead his Court, and thus his country, with a vigor, resolution, and at times an arrogance, which affronted his contemporaries. But without his firmness this republican experiment of ours might well have foundered in its first years afloat. Lord Coke and Chief Justice Marshall may have moved a little roughly, but this is a time when the preservation of "certain inalienable rights" requires a willingness to make history. Once again, as in the days of King James, it is the courts that must stand between the individual and the state. Modesty in great ones is becoming, but dangerous, in days when only a bold conscience can shelter a flickering freedom.

A New Expediter of the Refugee Program

THE STATE DEPARTMENT'S politically explosive job of expediting the flow of refugee immigrants—the job from which Secretary Dulles booted his friend Edward J. Corsi last April—has now been handed to a young Connecticut lawyer who has made an extraordinary record in the Eisenhower Administration.

Pierce Gerety, 41-year-old former law associate of Wendell Willkie, was recently sworn in as deputy to Scott McLeod, Administrator of the Refugee Relief Act of 1953. In announcing his appointment, the State Department said Gerety would have "complete authority and responsibility for the operation of the refugee program." He was not given Mr. Corsi's added title of Special Assistant to the Secretary.

The purpose of the lagging Refugee Relief Act is to bring 209,000 special immigrants, mainly from Iron Curtain countries, into the US by the end of 1956. Half the 40-month duration of the Act has already passed, and only 15 percent of the visa quota has been used.

The new expediter arrived in Washington in 1953 to accept one of the hottest assignments of that period—the loyalty screening of 4,100 Americans who were employed by the United Nations and about 40 other international organizations. His official title was Chairman of the International Organizations Employee Loyalty Board, an offshoot of the Civil Service Commission.

Gerety was beset with conflicting pressures. Some members of Congress had been charging for eight years that the UN Secretariat included Americans who were Communist sympathizers and should be fired. International agencies, including the UN, felt that the US was violating its pledge not to interfere with the work of international civil servants, and the American employees themselves had valid grievances. Some had been suspended from their jobs at the request of the State Department—one for almost a year—yet no hearing machinery existed to end the impasse.

Screening these 4,100 Americans was a task which required sensitivity to international obligations and feelings, and a strong will to resist political pressure. Yet within 15 months Gerety and his board had closed 3,939 of the cases, with warmest commendation from many of the civil servants who appeared before them, with not an unkind word from the international agencies, and with highest praise from Secretary Dulles. The problem of the loyalty of Americans working for international organizations has ceased to be an issue in Congress—with two lingering exceptions. A group of Americans formerly employed by UNESCO were dropped on recommendation of Mr. Gerety's board but appealed their case to a semi-judicial court on personnel matters in the UN. The court awarded them damages for dismissal. The other case involved William Henry Taylor of the International Monetary Fund, whose clearance is pending before the Board.

In his new job Gerety will find equal need for rapid action yet the pressures upon him will again be conflicting. The plight of the refugees themselves is demanding. Charitable organizations are pressing for the issuance of visas. The White House and the Republican National Committee are both concerned over possible criticism from minority groups in the 1956 election if the refugee program does not function well. Yet against these pressures, Gerety's predecessor charged that Scott McLeod was out to wreck the program, and Rep. Francis E. Walter (D, Pa.), a co-author of the Refugee Act, has already stated he will oppose changes in the law which would speed up its operation.

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Salk Shots for All the Children

HEARINGS before the Senate Labor and Welfare Committee have begun on bills to provide federal funds for the purchase and distribution of the Salk vaccine. The Administration's bill would appropriate $28 million for the balance of this year to be distributed among state health services, which, presumably, would use the money to inoculate children who cannot afford to pay. A Democratic proposal —sponsored by Sens. Lister Hill (D, Ala.), Herbert Lehman (D, N.Y.) and Paul Douglas (D, Ill.)—would make an open-end appropriation sufficient to provide enough vaccine for everyone in the country under the age of 20. This would cost an estimated $125 million.

The differences in approach are clear. If the Administration proposal is accepted, a means test will probably have to be set up by the states; before a child can receive his free shots his parents will have to prove to the satisfaction of local authorities that they are not able to pay the $15 for the three shots. The Democrats would make immunization from polio a benefit available to all, like inoculation against small pox. In most states children can get small pox shots free, or, if their parents prefer, they can get them from a private physician.

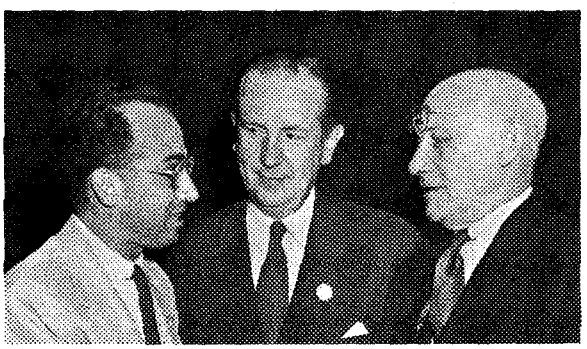
A second difference in approach concerns the regulatory power to be given to the federal government over the distribution of the vaccine; it already has considerable control over production. Secretary of Health and Welfare Hobby has objected to federal controls on the grounds that this would require the setting-up of elaborate federal machinery and would thus delay the entire program. But the machinery, in fact, has been in existence for 20 years. For two decades the US Children's Bureau and the Public Health Service have been giving money and vaccines to state health departments.

Federal over-all policing power seems neither necessary nor desirable, but certainly the President should be delegated stand-by powers which would enable him to unravel any snarls that may develop in distribution. Furthermore, experience with the haphazard beginnings of distribution in April demands that the federal government set up a system of priorities for immunizing children by age groups. For each state to establish its own priority scale could mean nationwide confusion. If no priorities at all are established, doctors will be under constant pressure from patients, friends, relatives and nodding acquaintances to inoculate whole families at once. Drug manufacturers, in turn, will be dunned for shipments of the vaccine by the harassed physicians.

If such a priority system is to work careful records on the ages of all those who receive the shots must be supplied by the doctors and kept by local health authorities.

As for the safety problems involved in the production of the vaccine, it is encouraging to note from the report of Surgeon General Leonard A. Scheele that far-reaching changes are envisioned in the organization of the Public Health Service testing unit which will enable PHS inspectors to oversee the entire production process in the drug manufacturing plants. The making of the Salk vaccine is so complicated and sensitive an operation that lab tests alone have proved inadequate. A constant on-the-spot check should assure high standards and reassure parents.

In his report, Dr. Scheele noted that the underlying principles of the vaccine hold promise of being useful in the control of other heretofore baffling virus infections. In recognition of the important potentialities of the drug, the new Division of Biologics Standards at the National Institutes of Health will concentrate on research, in co-operation with private groups like Dr. Salk's team at the University of Pittsburgh.



Dr. Salk, AMA President Hess and Dr. Scheele

If the Republican leadership is guilty of anything, it is of an ingrained reluctance to lead. But working out a fair and efficient distribution program is now more important than looking back for past mistakes and pinning them on the Public Health Service, the National Polio Institute or Mrs. Hobby.

Whittling Down TVA

THE ADMINISTRATION'S guerrilla war on TVA goes on. TVA's request for four big new power units, personally endorsed by TVA Chairman Herbert D. Vogel—an Eisenhower appointee and no creeping socialist by any definition—and by his two colleagues on TVA's Board of Directors, has been turned down by the Bureau of the Budget, which also is hamstringing the Authority's effort to make itself partially independent of Congressional appropriations by the selling of bonds.

The proposed restrictions on future TVA financing are now clear: The Budget Bureau proposes to impose a $750-million ceiling on the amount of TVA bonds that could be issued and would let the Treasury decide how they would be issued; it would prevent TVA from selling its bonds to co-operative groups; it would require Congressional approval before any bonds could be sold; it would refuse TVA's request for a relaxation of the present stringent requirements on paying back the money appropriated up to now.

Fate of a Volunteer

CLARENCE E. CLARKE, 28-year-old attorney, went to work last February as a security officer for the Small Business Administration's Office of Compliance and Security.

But shortly after taking over his post, Clarke began to be disturbed by certain "deplorable" aspects of the program—the mechanical and arbitrary way in which it is being administered. He found that security officers are frequently unqualified for their posts (Clarke himself was certified for his job by the Republican National Committee); that they have little historical perspective or understanding of human frailities; that they prolong investigations unnecessarily and accept the Attorney General's list of subversive organizations as an absolute criterion of a man's loyalty.

His efforts to call these shortcomings to the attention of his superiors "through proper channels" led, he says,

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to his receiving a note on May 25 that he was fired from his $70-a-week job because of a reduction in force. This prompted him to volunteer to appear before Sen. Olin D. Johnston's (D, S.C.) Senate Subcommittee which is investigating the Federal Employees Security Program. Since volunteering, he has been subjected to what he claims is a "tirade of intimidation."

On June 2, he was informed that the Johnston Committee would hear his testimony. That same day at 9:45 in the evening, the Small Business Administration's chief of security knocked on the door of Clarke's home and presented him with an official statement of charges, alleging improper handling of government documents, "slapping" a stenographer and "insubordination"—all of which Clarke denies. It is probable that the coincidence of timing and the unusual method of delivering charges against an employee will not go unnoticed by the Senate Subcommittee when it hears from Mr. Clarke.

Syngman Rhee and the Ills of Korea

THE HALF billion dollar American economic program in Korea—largest in the world this year—is in trouble. The US has not yet cut off economic supplies to Syngman Rhee's government as we did for several months in 1954, but a top level Korean mission is now in Washington negotiating a new agreement. The conflict recalls similar crises in American aid to Greece before that country turned the corner of stability.

The immediate Korean issue is currency-exchange rates. But behind the issue is the much broader question whether the Korean Government is doing what it should to stop inflation and thus reach its economic targets; and possibly whether the targets in the 5-year plan, which Americans helped draw up, are too high. The answer may be a little of both. Here is the background.

When the Korean truce was signed almost two years ago (July 27, 1953), the United States offered not only war relief but a bold redevelopment program which would make South Korea "an economic show window in Asia." Secretary of State Dulles committed the US to invest—Congress willing—a billion dollars in a five-year economic plan exclusive of American military aid. Thus this Indiana-sized country with a population of 22 million was promised more development assistance than had ever been offered to any underdeveloped country before.

Today, as the second year of the five-year plan is drawing to a close, some impressive results have been attained. Agricultural production has been restored to prewar level, and rice output has actually surpassed the highest level of Japanese days. Agricultural recovery has been much more rapid than in other battle areas after World War II.

Industrial output—that is, electric power, some mining, some fisheries, some light manufacturing—has jumped to 150 percent of the level before the Korean War, and these gains do not yet include major installations for electric power, cement and fertilizer which the United States is financing.

At the same time Korea has mobilized a 20-division army of 660,000 men, largest ground force in the Free World except for the United States itself.

Against these impressive results there are gloomy prospects:

1. The deficit in Korea's international balance of payments has been running over $200 million a year, made up from the US Treasury, and there is no early prospect for self-sufficiency.

2. The big army is costing Korea $600 million a year, thus preempting a third of the nation's gross national product. If the US took on a proportionate defense bill at home, our military budget would be in the neighborhood of $125 billion instead of $34 billion.

3. Worst of all, the Korean cost of living has risen 40 fold since 1949, and though the galloping inflation has been slowed to a trot, the consumer's budget has not yet been stabilized. This is where the present policy conflict lies between American representatives and the Korean Government.

It is the American view that if Korea would set a higher price in Korean currency for the American aid goods which are sold to the Korean people, the government could sop up much of the excess purchasing power which adds to inflation. An adjustment in exchange rates could also place Korean exports in a more favorable price relationship on the world market. Finally, if Rhee would stop the favoritism shown to some private groups in government commodity sales, he could help balance the government budget.

It is not difficult to understand these Korean frailties. Favoritism is a form of corruption inherited from 40 years of Japanese colonial rule when it was patriotic for Koreans to cheat the foreign ruler. Moreover, inflation arose not only from war, but from the disaster of the 1945 partition, in which most of the country's electric power, heavy industry and exportable timber was cut off from the agricultural South which Rhee now administers.

The shortcomings of a new government also play a part. Students of public administration concede that inflationary controls represent one of the most sophisticated problems of government—a blend of skilled economic policy, disciplined agents and a tough executive. All these require time to develop in a newly-independent country.

Rhee's determination has made South Korea one of the military bulwarks of free Asia. A related stubbornness in the same man contributed to this present economic crisis. In the Washington negotiations a compromise is likely.

Strikes and Wages

A MAJOR reason for the Conservative victory in the General Election was the widespread popular feeling that the chronic strike outbreaks in parts of British industry were somehow the fault of the Labour Party, and that the Conservatives could be trusted to deal with them. Yet with all the prestige of a decisive electoral triumph behind it, the Conservative Government seems quite helpless in the face of major strikes which have paralyzed much of the country ever since it took office.

The railways have been crippled by a strike of the Associated Society of Locomotive Engineers and Firemen which controls about 10 percent of Britain's 600,000 railway workers, including most of the footplate men. As a result unemployment is beginning to appear in crucial industries like steel, with the prospect of general shut-down if the strike continues. Several ports have been closed by a strike of the Stevedores Union which recently broke away from the mammoth Transport and General Workers Union which previously monopolized

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dock workers. And three transatlantic liners have been immobilized by an unofficial strike among their crews, who claim that their National Union of Seamen fails to represent their interests.

These strikes are extremely unpopular with the bulk of public opinion, particularly the rail strike, which robbed millions of ordinary workers of a holiday away from home during the best Whitsun weather for years. But the government has failed to do anything positive to end them. Realizing the prime importance of keeping the co-operation it has so far received from the unions, the Conservative Government has refused to intervene in the dispute—except through the impotent *ex parte* broadcasts of the Prime Minister. It has asked the Trades Union Congress to try to mediate. When the first strike threat was made just before the election, the Trades Union Congress did intervene successfully. Whether it will succeed this time is still an open question. For it has no mandatory power whatever over its member unions. It must rely solely on goodwill and skill in negotiation.

But the problem facing the TUC does not differ fundamentally from the problem facing the nation as a whole. The existing machinery for industrial negotiation in Britain depends on good will and a sense of the possible on both sides —once these cease to exist, a direct test of strength through strikes becomes inevitable. So the question is increasingly asked whether in an economy which is largely government controlled, the wage factor can be left to be determined by so uncertain a method, whatever party is in power. In other words, is it now possible to work toward some sort of national wage policy?

Both parties would at present agree that any move in this direction must be initiated by the unions themselves. And so far the unions have shown a total unwillingness to surrender the powers which the present system gives them. But if strikes of the present type become more frequent, there will be a strong public demand to take away some of those powers by legislation. And with the increasing bourgeoisification of the working class through higher living standards it is doubtful whether the unions would win in a general national test of strength. Thus it is above all in the interest of the Labour Party to work out a new approach to wages in conjunction with the unions themselves. Its success in meeting this challenge may be decisive for the party's whole political future.

London DENIS HEALEY

Orange-Peel in the Spring of Love

IN NAMING Cyprus (*Kypros*) after its copper rather than its goddess, the Greeks were guilty of an astonishing lapse of taste. One likes to hope that long after man has forgotten all about mere metals — having returned to sticks and stones or gone on to plastic space-scooters powered by cosmic radiation—he will still revere Cyprus as the birthplace of Aphrodite.

The beach onto which she emerged from the Paphian foam is still as virginal as ever, the dazzling rim of a flawless blue chalice of sea and sky. To the west lie the ruins of Aphrodite's temple; beyond rises the perennial Spring of Love in which she bathed.

Today, orange-peel, empty cigarette-packets and a page of strip-cartoons from the *London Daily Mirror* float in the Spring of Love. The British army is building barracks among the asphodels. Troops have to be housed and entertained; with the Suez Canal Zone signed away, Cyprus must to some extent play host.

Last December, 30 miles east of Aphrodite's beach and in the island's capital, Nicosia, tear gas, barbed-wire barricades, batons and bullets were used by British troops to control angry crowds normally gay and good-natured.

The crowds were demonstrating not so much against the British as against the United Nations, which they regarded as having abjectly submitted to Anglo-American pressure in deciding to shelve their plea for *Enosis*—Union with Greece. The Greek Prime Minister has announced that the issue will be brought up again at the next UN Assembly. In Cyprus, meanwhile, the roar of home-made bombs has taken over from the roar of demonstrators, and the classic plot of one more postwar colonial tragedy has begun to unreel.

A major weakness of the Cypriot case lies in the fact that the islanders are so tactlessly thriving under British rule. Many Cypriots admit that, materially, they are undoubtedly better off under unrepresentative British rule than they would be if they elected deputies to the Athens parliament. Businessmen declare frankly that inflation and a slump in trade would probably follow union with Greece; left-wing trade-unionists predict that the Athenian authorities would fling them into jail: yet both clamor for liberation from the "British yoke."

The explanation of the British Government's reluctance to withdraw appears to lie partly in its fear of its own parliamentary supporters, for whom a withdrawal from Cyprus, coming after "scuttles" from the Canal Zone and Sudan, might be the straw to break the back of their normally impeccable self-discipline; and partly in its fear of losing further ground within the Near East *vis-à-vis* the United States. Britain's postwar reverses in Palestine, Iraq, Persia, Egypt and Sudan, have dashed its hopes of a *quid pro quo* whereby Washington would set NATO's pace in Western Europe while England made the running in the Near East: Washington is already blazing a trail of its own in the Arab states, calling in Ankara to follow up its efforts, where necessary, in preference to London.

The Cypriots are thus condemned to watch the backward, largely illiterate tribesmen and *fellahin* of Egypt, Iraq, Yemen, Sudan and Libya decide their own destinies — as is their right — while they themselves, far better equipped for self-determination, must try to get used to the idea that a footnote to the Atlantic Charter said, apparently: "Cyprus permanently excepted." The fact that they are Christians and Europeans, or that their Greek cousins are not merely valued members of NATO but have for many years furnished NATO's biggest *per capita* manpower contribution, is of no avail. It would be difficult to imagine a situation more favorable to Communist Party recruiting in Greece and Cyprus, or more likely to transform Aphrodite's island into yet another of John Bull's Other Irelands.

Cyprus RAY ALAN

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When Adenauer Goes to Moscow

by Michael Straight

TWO WEEKS ago I suggested in the *New Republic* that the Kremlin would no longer negotiate with Western Germany via Britain, France and the United States, but would instead move to deal directly with the Federal Government at Bonn. Now, in a dramatic shift in Soviet policy, the move has come.

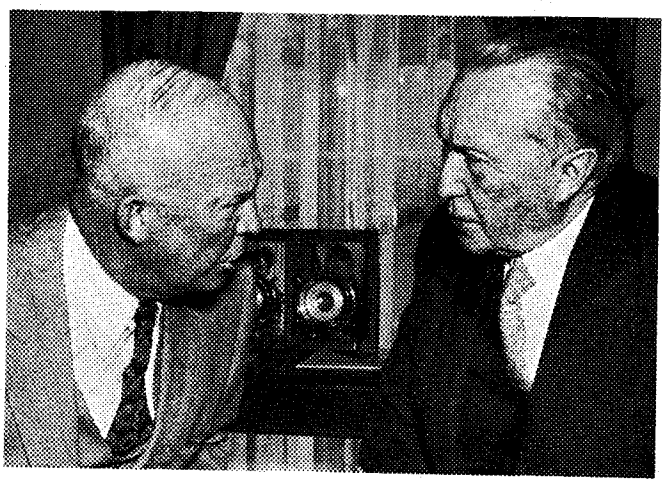
One month ago, according to Premier Bulganin, West Germany was led by militarists and revenge seekers. Now in its June 7 note, the Kremlin offers to establish "normal and good" relations with the same men. One month ago, Bulganin found it necessary to point out to all peace-loving nations that "West Germany is becoming the principal hotbed of the danger of war in Europe." Now the June 7 note declares, "The Soviet Government must draw the attention of the government of the Federal Republic to the fact that . . . in certain aggressive circles of some states plans are afoot to set in opposition the Soviet Union and Germany."

One in three German families lost a son or a husband in Russia; one in 10 has a relative held prisoner in Russia today. So, in the past West Germans have been immune to these divisive appeals. The Soviet Government prolonged the immunity by bidding for Germany in terms that no responsible German leaders could countenance. And, failing to attract substantial support the Kremlin based its German following upon its own hated agents, the German Communists and their allies.

The new Soviet approach to Germany is more moderate and so more powerful. No mention is made in the June 7 note of the unification-for-neutralization bargain that every responsible German party has turned down. Neutrality is left as a matter for Germans to seek or reject. Unification is relegated as it must be, to the final phase of a fruitful friendship between the Soviet Union and the Federal Republic *as they exist today*. In offering this friendship the Kremlin is seeking to prolong rather than to overturn the status quo. It is working for two neutral Germanys rather than one, in which the disengagement of the larger part is not imposed upon West Germany by the great powers, but forced, by German nationalism, upon them.

This Soviet appeal is no longer directed to the revolutionary workers of Germany. It is not even addressed to the German Social Democrats who clothe themselves in Bismarck's conception of a nation standing between East and West. Its target is the predominant German Right. The great thrust of the June 7 note is toward the German industrialists who are offered a profitable partnership with "the highly developed industries and expanding agriculture of the Soviet Union." A parallel appeal is directed to the residual prejudices that the German army once expressed. No German will miss, in the attack upon the plans of "certain aggressive circles" the reference to NATO's forward strategy for holding an invasion of Europe at Germany's Eastern frontier. This strategy, the Soviet note continues, "would inescapably make the territory of Germany a battlefield and lead to its annihilation." This is also the view of the powerful newspapers which agree that Germany must not be the battlefield on which Soviet and NATO armies collide. In embracing this group the Kremlin whispers in its June 7 note that close co-operation between the Federal Republic and the Soviet Union can be the means of preventing, not a third world war, but a war fought on German soil.

The Kremlin seems unprepared to give up its zone in Germany. It is unlikely to accept the allied proposals for unification except on terms that the allies must turn down. It will cap the campaign begun at Vienna with a proposal at Geneva that both sides withdraw all troops from Germany. But, while the Kremlin advances radical proposals at the level of propaganda, its long-term efforts will shift to shaping Germany's future through the promotion and exploitation of right-wing nationalism in West Germany. The early stages of the new relationship will be painful and difficult for both sides. For the return of the prisoners of war is the *sine qua non* of "normalized relations" and while the West German government claims that 80,000 Germans are not accounted for, the Kremlin admits to holding 12,000 at most. Once this



"We have faith in Chancellor Adenauer"

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issue is settled, however, the Kremlin must hope that its area of maneuver will be steadily widened as German nationalism struggles to stand on its own.

The Soviet offer to deal directly with Bonn is naturally disturbing to France, to Britain and the United States, and to the German Chancellor himself. No one knows better than Dr. Adenauer that its purpose is to weaken Germany's ties to the West. But no leader of a sovereign state can deny his state its right to recognition, least of all a leader of West Germany, while 18 million fellow Germans live in the East Zone, and an unknown number of German civilians and prisoners of war are held under Communist rule. The Chancellor, at some risk to his position at home, delayed his response until he could confer with President Eisenhower. President Eisenhower, like the British foreign office, in turn minimized the June 7 note. He describes it as "a logical gesture on the part of the Soviets . . ." "a natural consequence of the developments that are taking place." The response to the invitation, he adds, is up to the German Government alone to decide and we need have no fear. "We have the interest, faith and confidence in [Chancellor Adenauer] and we know one thing, that he will stand by his allies and friends." For the moment the President's response may suffice. Beyond the moment it is not enough to pin the hopes of the West upon one man, as Chancellor Adenauer would be the first to assert. The Chancellor will be 80 in January, 1956, and this is as good a time as any to recall his urgent warning:

> Use the time I am still alive; if I am gone it will be too late. I do not know what my successors will do if they are left to themselves, if they are not bound to follow clearly fixed paths, if they are not linked to Europe.

"I do not know what shall become of Germany if we do not succeed in creating Europe in time," added Adenauer. He was speaking in private to the Minister President and Foreign Minister of Belgium on September 28, 1954, and the conversation was overheard, recorded, published in the German weekly *Der Spiegel* and later confirmed by the Chancellor. He continued:

> . . . Believe me, the danger of German nationalism is much graver than it is usually judged to be. The crisis of European policy tends to make the nationalists even more audacious; they are gaining more self-confidence and more followers. . . .
>
> . . . We must not resign ourselves to this situation. We must not capitulate before nationalism. We must consider the Brussels Pact as an approach to the European Defense Community and as a starting point for a European political community, and we have to use every chance to come closer to our goal, the unification of Europe. There is not much time left to us. . . .

Adenauer of course was speaking in the dead season in which the broad sweep of progress toward European union was concentrated in its most unpopular form—rearmament—and there killed off by the French rejection of the EDC. "Every month," records the Swiss journalist Herbert Luethy in his book *France Against Herself*, "yet another 'first step to the integration of Europe' was celebrated, but a hundred first steps were never followed by a second; the thing was a millepede which in spite of all its legs remained rooted on the spot." The real objective, of developing a European consciousness in place of divisive nationalism was all-but forgotten by the time that the details of the EDC treaty were finally debated in France. In that debate, which Luethy calls "a dialogue between deaf men" the German menace alone was emphasized while the presence of Soviet troops in Europe was wholly ignored. "All the preliminary conditions, protocols and interpretations of the Quai d'Orsay," writes Luethy, "were aimed at making integration as binding as possible on Germany while leaving France . . . the maximum possible amount of liberty."

Since the death of EDC a number of limited starts have been made on the road toward European union and Atlantic unity. The Western European Union has been organized as a loose military association. NATO has gained new vitality by giving all members the sense of participation in common decisions. The Canadian Government has pressed hard for a meeting of NATO parliaments this summer and our Congress alone has failed to respond. The OEEC, now meeting in Paris, has induced France to meet its commitments in reducing tariff barriers. The Benelux nations have brought forward a plan to extend the European Coal and Steel Community to transportation and to energy in all its forms. The French Government has met the plan by agreeing to a study group. Chancellor Adenauer has lapsed into silence, remembering how his enthusiasm was used against EDC when its enemies in France branded it as a German-sponsored scheme. But meanwhile, hard pressed as he is by the nationalist revival, Adenauer has rebuilt his cabinet around anti-nationalists committed to European federation.

ALL THESE developments reflect a single truth—that national states in Europe can no longer fulfill their role of providing security. German nationalism certainly reflects the limited and dangerous ability of Germany to maneuver within the special circumstances of the Cold War. No other nation in Europe can do even that much. France which mobilized 100 divisions in 1914 cannot raise more than 15 today and must default on her NATO obligations when the Arabs of North Africa stir. Among all nations, as Dr. John von Neumann notes in *Fortune*, only the US and USSR are defensible in nuclear war. The Soviet bid for Europe compels us to ask again what future do we believe in for Europe? The defenselessness of Europe compels us to answer: union. The present prosperity of Europe permits us to advance rapidly toward European union; the threat of German nationalism reminds us of Adenauer's message: *use the time*. . . .

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Nehru and the Communists

by G. N. S. Raghavan

I ONCE asked Dr. Sarvepalli Radhakrishnan, the philosopher-politician who is vice-president of the Republic, if the frank Indian criticism of Western colonialism and racialism was not really aimed at the residual conscience of the West, with its philosophical commitment to freedom and equality, and if the relative softness of India toward aggressive Communist totalitarianism was not explained by the absence of a conscience to appeal to. Dr. Radhakrishnan asserted that criticism was distributed strictly according to demerit.

Nehru himself recently volunteered an answer to the question why he does not condemn Soviet imperialism: "there are many things that have happened in Russia, in the past especially, which have pained me exceedingly," but he claimed that it was always his policy to avoid saying anything about a specific country even if he said something about imperialism or colonialism in general. The fact is that Nehru's claim to be dealing out even-handed judgment on the two sides to the Cold War is a diplomatic pretence. With armed forces totalling less than half-a-million, and with a strong aversion to obtaining outside military protection by joining a collective security scheme sponsored by the imperialist-tainted West, Nehru has no desire to give any avoidable offense to Communist China which has a 2,000-mile frontier with India and which maintains (according to an estimate quoted by Mr. Krishna Menon in Parliament) a standing army of five million and holds an equal number in reserve.

Nehru's concern about Communism is not that of an ideological crusader for democracy willing to fight the new tyranny anywhere and everywhere in the world. And yet, if Nehru refuses today the role of an ideological fighter for world democracy which he enthusiastically played in the '30s against Fascism, and rejects the method of collective security (which he then advocated) in favor of a vaguely pacifist approach, he remains nevertheless the staunchest nationalist and democrat so far as India's own freedom and way of life are concerned. His interest in the Communist threat to the freedom of other countries weakens in direct proportion to their distance from India.

The history of India's relations with Communist China since 1949 is proof at once of Nehru's total indifference to the moral quality of Communism where it has triumphed, his territorially limited interest in the fate of other nations at Communist hands, and of his passionate concern for defending freedom and democracy for his own country. When the Communist regime established itself on the Chinese mainland at the turn of 1949, India was the first non-Communist power to offer it diplomatic recognition. Yet the first direct impact of Communist China on India's national interest was rude. On January 1, 1950, Mao Tse-tung proclaimed the "liberation of three million Tibetans from imperialist aggression" as a basic task of the People's Liberation Army. This meant that Peking meant to abrogate the traditional autonomy of the 460,000 square miles of inaccessible territory which for centuries constituted a vast buffer between India and China. It meant also that the special ties between Tibet and India established during British rule would be cut. Nehru lost no time in urging Peking to avoid the use of force. Ruling out resistance (Tibet had a nominal force of 10,000, and a third of its male population in monastic orders), Nehru advised Tibetan leaders to negotiate a tolerable agreement with Red China which would preserve as much as possible of their autonomy.

When Communist troops finally marched into Tibet in October, the Indian Government expressed its "surprise and regret" at the invasion and counselled the immediate halting of the Chinese army and the resumption of peaceful negotiations. Peking spurned the advice, ascribing it to hostile foreign influences. Repudiating the insinuation, Nehru renewed his plea as "well-meant advice by a friendly government which has a natural interest in the solution of problems concerning its neighbors by peaceful means." However, when Chinese troops overran the eastern province of Kahm and Tibetan leaders purchased peace by signing an agreement on the dotted line at Peking on May 23, 1951, Nehru put a brave face on this disturbing development. When some members of his own Congress Party joined the non-Communist opposition in expressing dismay at the Chinese action, Nehru asked whether it was suggested that India should have gone to war with China over Tibet. He said:

> Many things happen in the world which we do not like, and which we would wish were rather different, but we do not go like Don Quixote with lance in hand against everything that we dislike. We put up with these things because we would, without making any difference, merely get into trouble.

The Korean War dominated the attention of both China and India till the truce in mid-1953, and Tibet had been almost forgotten by the people of India when it was announced that negotiations would commence at Peking in December for an agreement on trade and travel between India and Tibet. It was the preamble to this agreement, signed in April, 1954, which for the first time proclaimed the five principles of co-existence which have

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G. N. S. Raghavan is the New Delhi correspondent of the English newspaper, India Express.

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since become the symbol of Red China's wooing of its Asian neighbors: (1) respect for the sovereignty and territorial integrity of each country; (2) non-aggression; (3) non-interference in each other's internal affairs; (4) equality and mutual benefit; and (5) peaceful co-existence.

Since there was no question of India violating the territorial integrity of Red China or interfering in its internal affairs, the significance of the preamble consisted in Peking pledging itself to decent international behavior *vis à vis* India. Already at the turn of 1950 when UN forces threw back the North Korean offensive and were advancing toward the 38th Parallel, Peking had chosen India as the benevolent neutral to warn the West that Chinese forces would intervene if the North Korean frontier should be crossed. In the two years of tortuous negotiations between the Soviet call of June, 1951, for a Korean cease-fire and the signing of the truce agreement in July, 1953, it was ostensibly at Indian urging that Peking conceded many points on which the UN held firm, including the principle of voluntary repatriation of prisoners of war.

Coming in the wake of this show of trust in India, the agreement on Tibet was a clear indication that Red China was charting a new course in its policy toward the neutral section of the non-Communist world. Peking radio no longer called Nehru a running-dog of Western imperialism. Chou En-lai's visit to India and Burma on his way back from the Geneva conference showed that neutrals were to be assured of Red China's peaceful intentions and treated differently from countries openly hostile to Communism. Developing this policy a stage further, Chou En-lai created a sensation at the Asian-African Conference at Bandung last April by extending the good-neighbor cordiality not only to the neutrals but to all of China's neighbors, even inviting Thailand and Cambodia to inspect the southern border of China to see for themselves that there was no military build-up. Pakistan's Mohammed Ali and Ceylon's Sir John, two prime ministers who went to Bandung determined to flay Chinese Communism, returned confessing to the sweet reasonableness and charm of Chou En-lai. Peking's offer, announced at Bandung, to negotiate with the US on the Formosan problem created a favorable impression which has been strengthened by the release of four imprisoned American airmen and the hint of more releases to come. Indian opinion, which has always been naturally flattered at every success of Nehru's mediatory efforts, has been profoundly touched by Peking's choice of Mr. Krishna Menon to announce the gesture of the airmen's release.

The test of sincerity for Nehru, who can be hard-headed enough for all his invocations of friendliness and trust, is action. That is why, on the eve of his visit to Red China last year, he broke his deliberate, seven-year diplomatic silence on the subject of international Communism to frame two issues for Peking.

> Among the causes of the fear of China among the Asian countries [he said], has been the large Chinese population in these countries . . . Malaya, Burma, Indonesia, Indo-China and Thailand have large Chinese communities, which rather frightens them. In the old days and until now the Government of China did not recognize the right of any Chinese person to divest himself of Chinese nationality, and a very peculiar situation was created.

Nehru welcomed Peking's announced move to make overseas Chinese choose a single nationality, and hoped this would remove apprehensions felt in Southeast Asia.

Secondly, Nehru said of the fear of international Communism in Southeast Asia:

> Let us be frank about it. Most of these countries are afraid, not of what governments do officially but what they might do *sub rosa* through the activities of the Communist Parties in these countries. . . . If there was such a thing as a national Communist Party, a party which had nothing to do with another country, that is a different matter. . . . The difficulty comes in because that party in your country is . . . intellectually, mentally and otherwise tied up with other groups in other countries. And the other country might well utilize that for its own advantage.

Having discussed these two issues face to face with Mao Tse-tung and his colleagues, Nehru was able to report at a press conference upon returning from Peking that the Communist leaders had offered to negotiate with each country concerned regarding overseas Chinese. The first treaty on the subject, with Indonesia, was signed by Chou En-lai at Bandung. It provides that citizens of Chinese origin in Indonesia will have to decide within two years whether they want Chinese (necessarily Communist) nationality or Indonesian.

On the second and more fundamental question of subversive international Communism, Nehru upon returning from his Chinese visit could only point to Peking's endorsement of the five principles. "So far as words go," he said, "it is there. Whether it is acted on is for the future to show." Pressed to comment on Red China's patronage of two rebels from neighboring countries, Dr. K. I. Singh of Nepal and Nai Pridi of Thailand, Nehru disclaimed knowledge of the facts about the latter but said that he had taken up the question of Dr. Singh with the Chinese leaders. "I am satisfied," he said, "that he will not function in future." And it is a fact that no activity either by Dr. Singh or Nai Pridi in China has been heard of since Nehru's visit.

Is Red China, confronted by Western determination to resist any further attack, merely using India as a convenient face-saver—be it in Korea, Indo-China or Formosa? If the worst happens and Red China reverts to Stalinist expansionism, Nehru will react, the strength of the reaction depending on the distance of a given act of aggression from India.

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Since 1918, bill after bill has been introduced, but Congress can't make up its mind to legislate

The Wiretap Scandal

by Alan F. Westin

After four months of hearings, a subcommittee of the House Judiciary Committee will probably soon report on a measure to permit the interception of telephone communications in some cases and under some safeguards, while forbidding explicitly all other wiretapping. This measure may or may not get to the floor of the House; it may even be passed and go over to the Senate. In any event, if 30 years of history are a reasonable guide, nothing will come of this flurry of legislative activity on the wiretapping problem. The reason for this is simple: for more than 30 years, Congress has been so torn over the conflicting values involved in the question that it has been unable to act in any way whatever.

In 1928, the United States Supreme Court ruled that wiretapping was not forbidden by the Constitution. After that decision, the questions of who should be allowed to intercept telephone calls, for what purpose, and under what procedures, became legislative rather than judicial concerns. As early as 1918, Congress had been sufficiently alarmed at reports of wiretapping to ban the practice for the remainder of the war emergency. But in the 1920s and early 30s, wiretapping became commonplace, especially in prohibition cases. Public pressure for some wiretap controls led Congressional appropriation committees to question federal officers about their agency's use of this "immoral" practice, and when public enthusiasm for a dry America reached its peak, Congress forbade the use of wiretapping under the Prohibition Act.

Left unanswered, however, were the larger problems of wiretapping in the investigation of *other* crimes, or of wiretapping by individuals who were not law enforcers. Congress was presented with a perfect opportunity to consider these problems in 1934, when it established federal rules for the radio, telephone and telegraph industries. No reference was made to wiretapping in the committee hearings or floor debates, though, and no provision on wiretapping was included among the new sections added to the Radio Act of 1927, on which the 1934 Federal Communications Act was based.

Alan F. Westin is in the Department of Government at Harvard University. His writings on wiretapping have been cited by the Supreme Court and are used in a new course for public prosecutors being given under the auspices of the Carnegie Corporation of New York and the Practicing Law Institute.

During the next four years, increasing use was made of wiretapping by federal agencies, state law enforcers, private detectives, company police and a host of others. While these practices were often deplored in the press and by many Congressmen, and while bills to regulate wiretapping were debated in Congress (as they had been periodically since 1928), Congress passed no legislation and eavesdroppers could cut in on conversations unmolested.

In 1937, the Supreme Court was drawn into this vacuum and decided the famous Nardone cases, which forbade federal officers as well as private individuals to tap wires and made wiretap evidence inadmissible in federal prosecutions. The Court rested its decision on none other than the Federal Communications Act of 1934, in which the Justices found a section carried over from the 1927 Radio Act, stating that "no person" who had not been authorized by the "sender" could "intercept and divulge" the contents of a "message." While the Justices admitted that there was not the smallest shred of legislative history to support the view that Section 605 had been intended by Congress to deal with telephone tapping, the Supreme Court stated that this fact would not prevent it from giving effect to "the plain mandate of the statute."

With the Supreme Court having legislated for Congress, it appeared as though the wiretapping dilemma had been resolved, unless Congress wanted to repeal Section 605 or legalize wiretapping by federal agents. Congress did neither, but the wiretapping problem proved far from settled. Federal agents, acting under the direction of the Attorney General, who felt wiretapping to be essential to prosecutive functions, simply ignored the judicial rulings and continued wiretapping, secure in the knowledge that the Supreme Court declared the law but the Attorney General enforced it.

In 1940, prompted by reports of wholesale wiretapping, the Senate ordered a full-scale investigation. A blistering report condemning such conduct and calling for tighter legislation was the result, and within a week after the report was issued, Attorney General Jackson announced that "the law on wiretapping is now clear" and that the FBI would no longer tap wires. In less than a year, though, the FBI was tapping wires again, under Jackson's ruling that Section 605 was a bar only

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to the "interception *and divulging*" of telephone communications, not to tapping itself—despite the fact that federal wiretappers *would* divulge the information to other officials.

Congressional concern with wiretapping was heightened as the war in Europe worsened and attention turned to fifth-column activities within this country. In 1941 and 1942, Congress staged a Great Debate over wiretapping for national security purposes. Attorney General Jackson, J. Edgar Hoover and even President Roosevelt (by letter) urged Congress to legalize interceptions. Many civil liberties and labor groups withdrew their opposition to all wiretapping and demanded only a bill with narrow authority and careful safeguards. The issues were fully debated, the areas of disagreement narrowed, but Congress refused to legislate its mind.

Once again, the crisis was solved from outside Congress, this time by President Roosevelt, who issued a secret Executive Order directing the use of wiretapping by the FBI "when necessary in situations involving national defense." This was, to say the least, a highly questionable exercise of executive authority, being in violation of an Act of Congress as interpreted by the Supreme Court and left uncorrected by Congress. But it did take Congress out of its dilemma.

After World War II, Capitol Hill resumed its routine. Bills to prohibit wiretapping and bills to legalize wiretapping were filed, championed and allowed to die. Illegal taps by law enforcers and privateers continued unprosecuted. The Judith Coplon case made wiretapping a matter of national attention in 1948, when it was revealed that FBI agents had not only tapped her home and office telephones, but were monitoring the calls between Miss Coplon and her attorneys during her trial for passing government information. In reversing her conviction because of these wiretaps, Judge Sylvester Ryan reminded the Justice Department that wiretapping by the FBI remained "unlawful and prohibited."

Reports of wiretapping in Washington produced a Senate investigation in 1950, just as similar reports had in 1940. After learning that Congressional committee staffs, District of Columbia policemen, state detectives, and self-appointed sleuths were busy at the telephone lines (one wire, they found, had failed because too many wiretaps were on it), the Committee registered its shock at "the case with which unauthorized persons . . . can invade the privacy of telephone conversations."

Spurred on, as in 1941, by concern over subversive activities, Republican and Democratic spokesmen agreed in the 1950s that the "hopeless muddle" of wiretapping regulation should be ended, that wiretaps for internal security purposes should be authorized and other intrusions clearly outlawed. In April of 1954, the House actually passed a wiretap bill—which was promptly pigeon-holed in the Senate long enough for Congress to adjourn.

With the 84th Congress in session, the story moves into the present tense. Bills have been introduced to regulate wiretapping in various degrees; a House Judiciary Subcommittee under the able Rep. Emanuel Celler has completed hearings on wiretap legislation; and the *Congressional Record* is again featuring impassioned speeches on the wiretapping problem.

The obvious question which this narrative raises is *Why?* What reasons are there for continued inaction on the part of Congress? The answer lies in a split legislative personality. On the one hand, Congressmen consider wiretapping a particularly dangerous investigative technique and a potentially dangerous weapon to put into the hands of government, worries which are hardly imaginary. Unlike the police search or the keyhole-and-transom surveillance, wiretapping is not pinpointed to the suspected criminal or his close associates. The wiretap records every conversation which passes over a tapped line, and since some taps last for months and may be placed on telephones in a hotel lobby or cigar store, the sweep of wiretap operations ranges far beyond that of traditional police methods. In addition, the telephone tap will pick up conversations which American law and morale consider privileged—those between attorney and client, minister and parishioner, husband and wife, or doctor and patient.

When it comes to the use of wiretap evidence, Congressmen are confronted by doubts as to the reliability of wiretap records. The director of Congress' Radio Facility recently gave Senators at the wiretap hearings a clear demonstration of this. Taking a recording of Sir Winston Churchill's memorable address to Congress, which included the words, "I come not to ask you for money. I come to ask you for military aid. We English are putting out all we can for this effort," the witness explained how the tape could be altered so that Mr. Churchill would be heard to declare, "I come here to ask you for money. The English do as they please. What we do with your money is our business."

Finally, the history of wiretapping by public officials reveals, unfortunately, a serious amount of wiretapping by some officials for extra-legal purposes—for extortion, for partisan politics, or for personal advantage. The blackmail of bookie Harry Gross by New York policemen (exposed in 1950), or the wiretapping in Pennsylvania by various state administrations of the conversations of leaders in the opposite party are examples of this conduct. Rep. Martin Dies informed the House last year that his telephone line had been tapped by a former Attorney General who regarded him as "subversive."

It is these factors—the dragnet nature of wiretapping, the possibilities of vocal forgery, and the long history of abuse—which have worried Congressmen and have made them appreciate Justice Holmes' remark that wiretapping is a "dirty business."

At the same time, however, Congressmen understand wiretapping to be a most effective investigative device.

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They hear law enforcers testify that wiretapping has been a valuable instrument in protecting the public from businesses far dirtier than wiretapping itself—espionage, murder, kidnapping or narcotics peddling, to name just a few. Congress has learned that certain crimes, such as bookmaking or prostitution, depend upon the telephone for their operation. In other crimes, such as kidnapping, the telephone is often used to contact the victim, and in any crime where the activities of many individuals must be co-ordinated, such as an interstate gambling ring or an espionage operation, the telephone cannot be avoided. Of course, the criminal tries not to give information over the telephone, but he is frequently unsuccessful, and the very fact that X (a person unknown to the police) calls Y (a person known to be involved in a crime under investigation) often provides the lead to X which enables detectives to solve a particular case.

When wiretapping is set in these terms, so that the attention of the Congressmen focuses on criminals rather than on wiretappers, legalized interceptions attract a good deal of support. As Attorney General Brownell noted, criminals should not be given an immunity from facing their "telephonic and telegraphic footprints," and most legislators see the problem from this perspective as one of defining and policing a proper wiretapping system.

THERE is the Congressional dualism. The law-makers want criminals and conspirators apprehended but they are also uneasy about policemen on the telephone lines. The result of their schizophrenia has been a nonpartisan and even non-ideological paralysis. In 1941, Republican opposition defeated the Roosevelt Administration's bill to authorize wiretapping for national security; in 1954, this was matched by Democratic opposition in the Senate to the Eisenhower proposals which were virtually identical. Along the left-right spectrum, an equally unusual distribution has been created. It was Sen. Pat McCarran in 1954 who introduced the most extensive controls in a wiretapping bill, and his association with Rep. Emanuel Celler led Sen. Alexander Wiley to express his surprise at seeing "the Irishman and the Jews fighting against something on the same side." Looking over Congressional debates on wiretapping since the 1920s, it would seem that bills to legalize wiretapping have been defeated at the crucial moments by one of two elements: the "outs" who fear partisan use of wiretapping by the politically-motivated Attorney General, and those Congressmen at variance with the grey consensus of American politics, the "fringe liberals" or the "fringe conservatives" who fear wiretapping of the unorthodox. The most effective speech delivered against the Brownell proposals in 1954 was made by Rep. Martin Dies, who warned that placing wiretapping in the hands of the Attorney General was a dangerous matter: would "the gentlemen on the other side of the aisle," asked Dies, consider this legislation if "Mr. Biddle was Attorney General today?"

Taken by itself, all of this Congressional concern with the dangers involved in wiretapping and the importance of allowing some wiretaps is highly commendable. When Congress failed to pass wiretap legislation in 1929 or 1934 for this reason, if such it was, its hesitation showed a sense of care for the values of privacy and civil liberty. But everyone involved in the wiretapping situation has suffered because of Congress' indecision. While the FBI does tap telephones, the evidence they obtain is not admissible in court, and the Department of Justice is placed in a distinctly unworthy position by its Pickwickian interpretation of Section 605. Congressional silence has forced the Supreme Court to rely on the wobbly structure of the Nardone cases, which has produced clear inconsistencies in the wiretapping cases decided by the Justices since 1938. The security of telephone communication has nearly evaporated. Because of the inadequacy of state anti-wiretap laws and because the Justice Department has stated that it cannot "in good conscience" prosecute others while it is wiretapping, the telephone subscriber runs a distinct risk of talking on a "party line" not of his own making. Even though the citizen may know this, he cannot discard his telephone for private and business affairs, any more than he could forego the mails if he learned that letters might be opened at times by officials or private persons.

Given these facts, it seems clear that Congress asks the wrong question when it ponders, "Should we or should we not permit wiretapping?" The question which they really face is, "What to do about the present confused state of wiretapping laws and wiretapping practices?" The final irony of the wiretapping problem is that anyone who studies wiretapping debates will see that most Congressmen *do* appreciate how this deadlock should be broken, and what sort of compromise solution would do justice to all the interests involved. This is simply a framework for wiretapping patterned on our constitutional procedure for searches and seizure. It would include a court-warrant system for granting or withholding wiretap authority; a limitation of wiretapping to cases involving national security or direct threats to human life; detailed safeguards as to wiretap operations and the authenticity of wiretap records; and public review from time to time of official wiretap activities. All other wiretapping would be strictly outlawed. But with some members torn by Orwellian images and others by fears that wiretap controls are a leftish plot against J. Edgar Hoover, Congress has been unable to bring itself to act.

Yet, when Justice Holmes faced the wiretapping question in 1928, he observed that this was a situation in which one simply "had to choose" and he chose to dissent from his colleague's decision holding wiretapping constitutional. Congress, too, must choose. Neither law enforcement nor civil liberties will be served by indecision. And, since Congress seems so influenced by the Bard of Avon, it might remember Hamlet's insight, "If it were done, then t'were well it were done quickly."

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The Superficial Aspect

Hail the Ornery Cuss

WHAT this country needs, Adlai Stevenson told the Smith College girls, is more ornery people. Exactly—like Dr. John Peters and Dr. Otto Nathan.

Peters and Nathan were too ornery to stand for being kicked by any star-spangled jackass simply because he happens to be stabled in a government stall. They fought, and by fighting they have done more than President Eisenhower ever did to save this country from being taken over by the verminous Society of Creeping Judas.

Neither man is a full-time government employee. Nathan, in fact, is not a government man at all, and Peters is a doctor called in for consultation at times by the Public Health Service. But they are both comparatively successful men, therefore hated by every incompetent and every charlatan in and out of government service.

Neither had the remotest connection with the military or the diplomatic security measures taken by this country. Neither aspired to any such connection. Peters' job was to hold in check, not the Russians and the Chinese, but the mange and the colic, and nobody has denied that he is good at the job. The charge brought against him was that at some time in the past he had joined the Communists.

Peters' answer to the charge was simply that his accusers lied, and that if the government would bring him face to face with them he would cram their lies down their throats. The government wouldn't do that on the ground that you have to protect your stoolies, but the Loyalty Board under Truman twice considered the charges and twice decided that there is nothing in them. But then came the Eisenhower Administration, quaking like an aspen with fear of McCarthy; and under that Administration, in April, 1953, the board hastily reconsidered, kicked Peters out and branded him as unfit to serve the government for a period of three years.

But Peters was ornery enough to go to court. He wanted to identify the tale-bearer. For aught he knew to the contrary, it might have been some quack that he had helped get kicked out of the medical profession for malpractice, or some slum landlord whose flophouse he had closed because it was full of bedbugs, or, for that matter, some furnace-man he had fired for stealing his liquor. It might have been anybody.

He never succeeded. To this day he doesn't know who has been going about defiling his name because the Supreme Court dodged the constitutional question of confrontation of witnesses. But it did say that when a man is acquitted he is acquitted and you can't go back and find him guilty simply because McCarthy has scared the pants off the new Administration. So Dr. Peters is cleared, and apparently his case may have cleared a number of others who have been treated the same way.

As for Dr. Nathan, all he wanted was a chance to go abroad to check up on some of the papers of the late Albert Einstein. Dr. Nathan is Einstein's literary executor, he wanted to consult certain people who had worked with Einstein in Europe. But when he applied for a passport it was refused, for no reason except a decision by some person or persons unknown that it will not be "in the best interests of the United States" for him to go abroad. The fact that it will be in the best interests of the whole scientific world for Einstein's work to be completed doesn't count.

But Dr. Nathan was another ornery cuss. After battling for two years he went to court, and a district judge ordered the State Department to issue the passport. That case never went to the Supreme Court; the State Department suddenly gave way and Dr. Nathan can now proceed to the meeting in Switzerland that he wishes to attend. Unfortunately, since the case never got to the high court there is no assurance that some other man's passport may not be held up in the same way; but at least Nathan has done what he could.

Nathan's case is particularly disgusting because it is so utterly snide. Everybody knows that when a man by his own efforts has achieved eminence in his profession, whatever it may be, all the misfits and failures in his line hate him bitterly and long for a chance to kick him in the teeth. If in addition to being prominent and successful he is also a Jew, so much the better—kick him twice. If on top of all that he is also by birth a German, kick him three times.

A DECENTLY administered government protects men of character and achievement from the malice of the small-souled by requiring evidence before it acts adversely against such a man. But of late years Washington seems to be going out of its way to protect, not the honest man, but the cowardly back-biter who dares not come out in the open and meet his victim face to face. It proceeds, of course, from our hysterical fears; no nation in thrall to terror is capable of acting in a decent, civilized fashion. It is usually the case that the hypnotic spell of cowardice is not broken until some stout-hearted individual—some ornery cuss—puts up a fight. Stevenson is right; we need more of them—and, incidentally, he himself would make a good one.

GERALD W. JOHNSON

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BOOKS & COMMENT

Brooks' Mark Twain: Thirty-Five Years After

by Malcolm Cowley

The Ordeal of Mark Twain is an American classic that gains in force from being read in its historical context. It was first published in 1920, when American literature was just emerging from a period of disappointed hopes. For thirty or forty years there had been no lack of new talents; the heartbreak

RE-ASSESSMENT: 1955

was that few of them had shown the simple power to survive in their own country. If they did survive there, it was usually by compromising their standards of honest expression, and by writing what editors wanted to print or what booksellers thought they could sell. Many of the honest writers lived in Europe, with a sense of having taken refuge. One of the most devoted, Lafcadio Hearn, had married a Japanese and died a subject of the Mikado.

The mortality — physical as well as spiritual — was higher among the serious writers who stayed at home. In the years before 1910, almost a whole age group of talented poets had disappeared one after another: Philip Henry Savage, Trumbull Stickney (who came near being a major writer), then George Cabot Lodge and William Vaughn Moody; later Santayana would say of them that they "were visibly killed by the lack of air to breathe." Among the new realistic novelists who had appeared in the 1890s—Crane, Frederic, Norris, Kate Chopin—Dreiser was the only survivor, as Robinson was the only survivor among the new poets of the same period. The others had died of various natural causes, but when there is such a high mortality in small groups of writers, one suspects that many of those who succumbed had lost the will to live.

"There is no denying," Van Wyck Brooks wrote in 1921—without overstating the case—"that for half a century the American writer as a type has gone down to defeat."

With his dedicated pride in the profession of writing, Brooks was determined to do what he could to change the situation, but first he would examine it and find the reasons for the defeat. He found as might have been expected that American society was largely to blame; it was emotionally unformed, "in a state of arrested development," and the national mind had "been sealed against that experience from which all literature derives its values." He also found, however, that society was in this state largely because it lacked the sort of imaginative awareness and leadership that might have been supplied by great writers. "Our literature," he said, "has prepared no pathways for us, our leaders are themselves lost."

I have been quoting from *Letters and Leadership,* published in 1918. Three years later, in *The Literary Life in America,* Brooks would return to the same argument and make it more explicit:

> . . . how much one would like to assume, with certain of our critics, that the American writer is a sort of Samson bound with the brass fetters of the Philistines and requiring only to have those fetters cast off in order to be able to conquer the world! That, as I understand it, is the position of Mr. Dreiser, who recently remarked of certain of our novelists: "They succeeded in writing but one book before the iron hand of convention took hold of them." There is this to be said for the argument, that if the American writer as a type shows less resistance than the European writer it is plainly because he has been insufficiently equipped, stimulated, nourished by the society into which he has been born. In this sense, the American environment is answerable for the literature it has produced. But what is significant is that the American writer *does* show less resistance; and as literature is nothing but the expression of power, of the creative will, of "free will," in short, is it not more accurate to say, not that the "iron hand of convention" takes hold of our writers, but that our writers yield to the "iron hand of convention"? Samson had lost his virility before the Philistines bound him; it was because he had lost his virility that the Philistines were able to bind him.

Here Brooks was describing a situation in which the influence of personality might prove to be decisive. A few talented and courageous writers might change the position of American literature, though at great cost to themselves in neglect or hostility. They might even change American society, by giving it "a certain focal center in the consciousness of its own character." It was, however, a perilous undertaking for the writers, and it had no chance of succeeding unless they were challenged to do their best. They needed the encouragement and warning of great examples from the past, good ones and bad ones equally.

A project had taken shape in Brooks' mind: he would write three extended studies of American writers, three, we might call them, cautionary tales. The first would be the study of a gifted writer who stayed in this country and yielded to the environment. The second would be the study of another gifted writer who escaped the environment by living abroad, to the partial detriment of his work; in 1925 the study would appear as *The Pilgrimage of Henry James.* The third would be the study of a writer who stayed in this country and mastered the environment; originally it was to have dealt with Whitman, but later it became *The Life of Emerson* (1932). The first of the studies was of course *The Ordeal of Mark Twain.*

All this explains the nature of the book and its tone of urgency. It was not designed as an exhaustive biography of Mark Twain based on new materials—which were not then available—nor was it intended to be an evenly balanced judgment of his work. It presented Twain as an example—a great example certainly, or Brooks wouldn't have chosen him, but still an example of the writer who yielded to the "iron hand of convention" and failed to use the best of his gifts for fear of losing his popularity. He was one of those who wrote frankly and fearlessly, but then "modified" before they printed. He let his work be censored by his wife and by any prude who sat in an editorial chair. By his display of moral cowardice —as in the notable affair of the dinner that wasn't given for Maxim Gorky—

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he made it harder for writers after him to be courageous. Brooks had reason to invoke the calm shades of Tolstoy and Carlyle, of Emerson, Ibsen and Whitman, asking them to look with pity "upon this poor frustrated child whom nature had destined to become your peer and who, a swan born among geese, never even found out what a swan was and had to live the goose's life himself."

The book was read with enthusiasm, especially by the new generation, but it also met with resistance. It appeared at a time when Mark Twain, ten years after his death, was still a folk hero. No private library was complete without a collected edition of his works, usually in blue cloth with white labels or in soft red leather stamped with gold. His remarks were still quoted as if they had just been overheard. He had been "the king" to his friends, and any attack on his reputation was *lèse majesté*. Dozens of critics came to his defense. Bernard DeVoto started a counter-attack; he wrote a number of articles and finally a long book, *Mark Twain's America*, to disprove Brooks' argument.

For a time the debate threatened to be merely acrimonious, at least on DeVoto's side. He liked to clout and stun his readers with his superior knowledge of some neglected field—in this case pioneer life as reflected in the humorous writings of the years before the Civil War. He made the sound point that Mark Twain's work developed out of a tradition of frontier writing that was richer and more extensive than almost anyone had suspected. But he claimed too much for the tradition, and he granted his opponents no shred of judgment or insight; they were all, so he said, mere pulpit exhorters full of preconceived ideas. Although Brooks did not answer, he had by that time many allies and disciples, some of whom wrote almost as intemperately as DeVoto.

The debate continued all through the twenties and thirties, with vigorous echoes in recent years. In the course of it several inaccuracies were found in Brooks' work, by the introduction of new evidence, but the book as a whole showed its power to live and persuade. One surprising feature of the debate is that, after starting in bad temper, it finally proved to be fruitful on both sides. DeVoto was put in charge of the Mark Twain papers—till he turned them over to the late Dixon Wecter—and made effective use of them. In some of his later essays, and notably in his introduction to *The Portable Mark Twain*, he gave a more rounded judgment of Twain's work and even adopted one or two of Brooks' ideas. Brooks for his part had been challenged to study the early American humorists and life on the frontier, and he wrote interesting accounts of both in *The Time of Melville and Whitman*.

Two chapters of the same book deal with Mark Twain and present, this time, a generally sympathetic picture. Brooks says of Twain in the West that he was "the serio-comic Homer of this old primitive Western world, its first pathfinder in letters, its historian and poet"; while Twain in the East "remained a great folk-writer and especially a great folk-personality, like Benjamin Franklin, Lincoln, and David Crockett." These are judgments that do not appear in the *Ordeal*, but it does not necessarily follow that they are new judgments for Brooks. Without contradicting the old judgments they are new in emphasis because, in *The Times of Melville and Whitman*, he is writing for the whole cultured public.

In the *Ordeal*, Brooks was writing to be overheard by that public, which listened, but primarily he was writing for men and women with a sense of the literary vocation. He was thinking of them when he asked, at the end of the book, "Has the American writer of today the same excuse for missing his vocation?" and speaking for them when he answered, "Not if he reads the driven, disenchanted faces of his more sensitive countrymen, not if he remembers the splendid parts his confrères have played in the human drama of other times and other peoples, and asks himself whether the hour has not come to put away childish things and walk the stage as poets do."

Brooks was indeed writing an exhortation—as DeVoto and others have charged—but what is wrong with an exhortation when it answers a special need? Or when it is addressed to an audience prepared to listen? Or when some of the audience, at least, find that it expresses their own aspirations and confirms them in their resolution to avoid the mistakes of the past? The *Ordeal* met all these conditions, and its first appearance is one of the true events in the publication of Emerson's *The American Scholar*, which announced and helped to produce the renaissance of the 1850s.

After the *Ordeal*—and after "America's Coming-of-Age" and "Letters and Leadership," essays that Brooks wrote in the same period—there was a second renaissance, not so rich as the first in great personalities, perhaps not so rich in great works, but still vastly productive; it was a period when American writers once again were able to survive and flourish in their own country. The *Ordeal* and the essays had helped to make it possible. How much they had helped would be hard to decide; one would have to know all the apprentice writers of the time who read them, and what the writers told their friends, and how the *Ordeal* in particular affected their ideals of the literary vocation. I can testify from experience, however, that the climate of literature seemed different after Brooks had spoken. He had given courage to at least a few writers, and courage is hardly less contagious than fear.

One thing remains to be said: that although the appearance of the *Ordeal* was an event in time, the book is lasting. Its praise of the creative will, its lessons of courage in self-expression and of devotion to literature as an impersonal ideal, are needed as much as they were in 1920. Critics today have stopped talking about the creative will, except in relation to authors safely dead. In an age of conformity when writers are yielding, if in sidelong ways, to the iron hands of many new conventions, I suspect that Brooks' lessons are needed more.

Mr. Cowley's essay is the first in a series of articles on important works of American literature which will appear in these pages during the summer months. Next week, Louis O. Coxe will discuss Edith Wharton's novel *The Age of Innocence*. Critics contributing to the series will include Leon Edel, Leslie A. Fiedler, Irving Howe, Elizabeth Hardwick, Seymour Krim, Isaac Rosenfeld and Mark Schorer. Books under discussion will include the most popular books of Henry James, Mark Twain and Sinclair Lewis as well as virtually forgotten works by Christina Stead, Theodore Dreiser and Nathaniel Hawthorne.

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The Interesting Lives They Lead

by Weldon Kees

I SUPPOSE that everyone thinks that his life is interesting to some extent or the suicide rate would be even higher than it is; consider the number of persons who keep journals, diaries, write their autobiographies or talk about the most humdrum aspects of their days to each other or even pay for the privilege of doing so in the company of such professional listeners as psychiatrists. I am willing to be persuaded that every life *is* interesting, but not in terms of the manner in which most current autobiographies are being written. Nor am I thinking of, exactly, Henry Adams, Casanova, Barbellion or even Rousseau.

Passport to Paris, by Vernon Duke (Little, Brown; $5).

Mr. Vernon Duke is a very accomplished writer of popular tunes ("I Can't Get Started With You," "What Is There To Say?" and "April in Paris" are among the best-known ones) and a talented composer along what are considered more serious lines. He is an original; and, as he says, his versatility

> . . . has in reality been infuriating to most musical people. Just why that is I have no way of knowing, but the critical boys seem to think there is something monstrous and unnatural about a composer writing two different kinds of music under two different names. [Duke was christened Vladimir Dukelsky.] It annoys them not to be able to say that I go slumming when writing jazz, and it annoys them still more not to be able to classify me as an ambitious peasant, gazing at the musical Olympus behind a Lindy's herring.

He has more than one side, which an age of specialization finds puzzling or irritating and sometimes suspicious. He has been closely associated with Prokofiev, Stravinsky, Auric, Diaghilev and George Gershwin, and the list of people he has known in the theatre, musical comedy, ballet and Tin Pan Alley runs, in the index, from Alex Aarons to Vera Zorina. Duke *has* had an "interesting life," much of which I would like to know a great deal more about. But like the majority of the autobiographies of contemporaries that are appearing at present—whether they issue from the typewriters of society figures, ministers, industrial wizards, newspaper publishers or the operators of call-houses, Duke's account takes its stylistic cues not too remotely from the gossip columnists and the magazines designed to be read on streetcars and subways. And a good deal of the time there is this kind of glistening recollection:

> I was the first to enter the de Meyer drawing room—a regrettable mistake, as no one *divin* is ever punctual. . My embarrassment was somewhat relieved by the cordiality of my hosts and the perfection of the dry Martini I was offered, a drink still misunderstood by Parisians, who call it *un dry*—pronounced "dree'—and make it almost entirely of vermouth, using gin as sparingly as if it were Fernet Branca. Some small talk followed, very small indeed on my part, and then Sergei Pavlovitch entered with Boris in tow, both splendidly shaven and eau-de-cologned.
>
> That night I dried my first, and probably last, tears of happiness and realized that Victorian novelists had something there, for never did tears taste so sweet to me. What ensued was equally dreamlike . . .

There is quite a lot of this, and it has the charm of Elinor Glyn at times, of *The Young Visitors*, of the imitators of Firbank and all the confessions of the many young men who wrote about Paris in the twenties.

Names are dropped with such ease and rapidity as to suggest a string of beads breaking, and Duke makes no apologies for this; I suppose it is the figure in his particular carpet. It is only with effort, though, that one can associate the owners of the names with the persons they designate. And I suppose it is without point to hope for, in this kind of account, any sense of formal structure and harmonics that one automatically anticipates—or used to anticipate—in a poem or in a piece of music, or very much less, in the novel (where one's expectations these days are more spectacularly withered.) This is a time when "raw experience" is infinitely more palatable than the orchestration of experience. One of the few recent autobiographies that attempted to make a work of art out of a life—Conrad Aiken's Jamesian *Ushant*—quickly found its way into the stockrooms of the remainder houses.

There are not many books that deal with popular music, and Duke's is most valuable for what he has to say about writing music for the theatre, the commercial aspects of show business and song-publishing, and the occasional bright portraits of men he has known—particularly Stravinsky and Diaghilev and Gershwin. Before writing *Passport to Paris*, Duke tells us that he read

> . . . a great many autobiographies, particularly those of my contemporaries. I have discovered that autobiographies can roughly be divided into two groups, those with emphasis on facts and those

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preoccupied with literary style. Sir Osbert Sitwell is a good sample of the second type, and Tallulah Bankhead and Agnes de Mille are typical of the first school. . . . As for me, I thought a great deal about a tongue-in-the-cheek approach, the poker-face approach, the Dali or sensational-at-all-costs approach, the Freud or turn-over-a-new-fig-leaf approach, and finally decided to stick to the facts and the hell with it.

More or less routine is the word. Duke's music has always been tasteful and smart; too little even of that spills over into his prose.

The Dramas of the Ordinary

by Walter Goodman

PADDY CHAYEFSKY is the best of our television playwrights. Six of his scripts have now appeared in book form; these are the plays that are usually picked out as examples of what TV drama can be.

Chayefsky writes about working class families in New York. Sometimes they are Irish, sometimes Italian, sometimes Jewish, but it doesn't matter. The Irish mother who goes to seek employment in a midtown garment factory might as easily be Italian; the Italian mother urging her son to get himself a wife could be Jewish. All the major characters are first-and second-generation Americans; all must work to earn their living.

Television Plays, by Paddy Chayefsky (Simon and Schuster; $3.75).

Holiday Song is an adaptation of a *Reader's Digest* piece about a man and wife, separated in a Hungarian concentration camp, being miraculously brought together on a Brooklyn subway. Chayefsky turns it into a folk tale of a Jewish cantor whose faith in God is restored in time for Rosh Hashanah services.

Printer's Measure is about the war of an old-time compositor against a new-fangled linotype machine. Chayefsky tells us that it is based on a story he wrote in college, which ended with the compositor slapping an apprentice who decides to go to linotype school. But in the TV script the last act fades out with the compositor back at the job and the apprentice working beside him, smiling. In college, Chayefsky saw the compositor as a bitter loser in his fight against progress; now the old man is well on his way to making a happy adjustment to the machine.

The Big Deal covers a few hours in the life of a once-prosperous builder who will not admit that his heyday is over and refuses a $3,600-a-year job with the state. By evening—the end of the third act—Joe Manx too is about to adjust. In Mr. Chayefsky's words: "The point of the play was that this man had given the true values of life to his family—warmth, love, respect, dignity—which was a far more successful achievement than material wealth."

In *The Mother,* an old lady goes out to seek a job when her husband dies. She makes an earnest but futile try at operating a machine in a dress factory; she's fired; she then gets a taste of how other old widows spend their days—on park benches; she resigns herself to an old age with her daughter and son-in-law. But after a sleepless night, she decides she will get herself a job despite all rebuffs. "Work is the meaning of my life," she tells her daughter. "It's all I know to do. I can't change my ways at this late time."

For a long moment the mother and daughter regard each other. Then the daughter pads quietly down to the old lady:

> Daughter: (Quietly) When I'm your age, Ma, I hope I'm like you.

The Bachelor is the slight tale of a married man who goes out on a bachelor party after learning that his wife is pregnant. He discovers, however, that bachelorhood is not all it's cracked up to be and that marriage is. He tells the frightened groom at the end:

> And, if your girl is halfway decent, she's going to make it her job to make you happy. Then you get to feel, I can depend on this person. And that's love, man. That's the greatest thing in the world. There's nothing like it.

Or, as Mary Worth said just the other day to a young bride: "In a few moments you and Dennie will vow aloud to love each other . . . I hope you'll vow silently to *please* each other—for a lifetime."

The most popular of Chayefsky's plays has been *Marty,* the story of a Saturday night in the life of an Italian butcher in the Bronx. Marty wants to get married; his mother and customers keep needling him to get married. But he is homely, the girls don't like him. So he usually winds up on Saturday nights sitting around a neighborhood bar with the boys. He goes to a dance, meets a nice homely girl and, by the end of the fifty-three minutes, Marty is on his way to raising a family.

Of course, this kind of scant summary is unfair. Like all of Chayefsky's plays, *Marty* is the work of a conscious craftsman. The dialogue has the flavor and humor of the East Bronx:

The Cherry Tree in a Storm

DEVIL'S red the cherry tree,
Hell-beautiful in sullen sky,
Smacked by a sludgy storm,
Sprays the sand with blossoms—
Scatters the sticky, tide-wet
Baldness with red ruby pricks.
Wind-shimmered in the scuffling dark
The fleshy arms soar bony-sharp;
I think: Naked we go to love as
Branches soar free from blossoms—
Loneliness would be a light perpetual.

JAMES SCHEVILL

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Aunt: Hey! What are you doing here?

Mother: I came to see you. How you feel?

Aunt: I gotta pain in my left side and my leg throbs like a drum.

Mother: I been getting pains in my shoulder.

Aunt: I got pains in my shoulder too. I have a pain in my hip and my right arm aches so much I can't sleep. It's a curse to be old. How you feel?

Mother: I feel fine.

Aunt: That's nice.

In Chayefsky's opinion, *Marty* represents "the sort of material that does best on television" because it deals "with the world of the mundane, the ordinary and the untheatrical." The main characters are typical, rather than exceptional; the situations are easily identifiable by the audience; and the relations are as common as people.

In some part, certainly, this confinement of serious TV drama to the ordinary is a response to the taboos of commercial television. "Television is essentially an advertising and not an entertainment medium," writes Chayefsky. "The advertising agencies are interested only in selling their clients' products, and they do not want dramas that will disturb potential customers." In addition, the considerable technical limitations of producing a live show—the only kind worth doing, according to the playwright—make simplicity a virtue.

Chayefsky knows all about the taboos, but despite them, he maintains, television is better equipped than any other medium to probe "the marvelous world of the ordinary.":

What makes a man ambitious? Why does one girl always try to steal her kid sister's boy friends? Why does your uncle attend his annual class reunion faithfully every year? Why do you always find it depressing to visit your father? These are the substances of good television drama; and the deeper your probe into and examine the emotional entanglements, the more exciting your writing becomes.

The question then seems to be, how deeply will television permit the writer to probe. Chayefsky's work gives us some clues.

Every one of these plays has stretches of brilliant writing. Chayefsky prides himself on the literal quality of his language, but it is much better than literal; it is true. Whether he is writing a scene at a pinochle game or in a print shop or a dress factory, he is an extraordinary perceptive reporter. But is he as searching a commentator on second-generation New York as he is on the language of second-generation New Yorkers?

Perhaps as Paddy Chayefsky increases in prestige, both sponsors and viewers will permit him greater freedom in his work, which, so far, is very much like the heart-warming fare served up each week by your Sunday supplement. There is no reason why realistic drama must invariably have a downbeat ending—especially in so upbeat an era—but knowing that Fate in the shape of a child-like Public is leaning over your shoulder as you write your last act is unlikely to encourage any kind of authentic dramatic courage, or even simple honesty.

"Uncommonly logical book" —Newsweek

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An Optimist Abroad

by Bruce Bliven

EVERY few months a new book appears reporting darkly on the catastrophic rate at which the world's raw materials are being used up; it is a novelty to have, for once, a book on this subject that is far from pessimistic. Michael Straus has been US First Assistant Secretary of the Interior, and Reclamation Commissioner, jobs which gave him a lot of inside information on the state of our resources; and it is important news that he thinks we are doing pretty well in this field, even though with a little more foresight and enterprise we could do a lot better. Some minerals are scarce or non-existent in the United States, and we must continue to import them, but he sees no reason why this should not go on for a long time to come. He makes a striking point when he says that conservation is a local issue in the United States: people in one part of the country usually don't care very much whether natural resources are wasted in some other part. This situation could—and must—be changed by education.

Straus of course is talking about what might be called the short view—the next few decades; if population were to double every twenty-five years, as that of Ceylon is doing, the story might eventually be somewhat different. He seems to believe that the basic good sense of the human race will prevent anything like this from happening everywhere, or even happening anywhere for very long. Essentially, in fact, his optimism is based on his trust in common sense. Sometimes he sounds a little Micawberish, sure that "something will turn up"; but in the main he relies on his knowledge of the great resources of technology, untapped, or at most only partially tapped, at present. "As we thunder toward the twenty-first century," he says, "it may be late. But it is not too late for those with a real philosophy, not of desperation but of faith and hope. We still have the natural resources on which to survive with a rising standard of living—if we are willing to use them wisely."

Straus' book is clearly and simply written, and his summaries of the world situation in regard to population increase, and the available supplies of many raw materials, should prove valuable on anybody's reference shelf.

Why Not Survive, by Michael Straus (Simon and Schuster; $4).

Notes on Contributors

MALCOLM COWLEY's newest book is *The Literary Situation.* A somewhat different version of his present article will appear as the introduction to a new soft-cover (Meridian) edition of *The Ordeal of Mark Twain,* soon to be published by the Noonday Press. WELDON KEES, who has recently published a volume of poems, is also a painter and composer of popular songs. JAMES SCHEVILL is a young California poet.

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CORRESPONDENCE

[Debate on the tactics and policies of the Democratic majority in Congress continues. In his rejoinder which follows, the Washington correspondent of the *Louisville Courier-Journal* takes on Congressman Richard Bolling (D, Mo.) and argues that the statement in his original article in the *New Republic* ("The Democrats Like Ike," *NR*, May 30) still stands: "not only do the Democrats like Ike better than the Republicans do, but they also like what Ike likes better than do most members of his party"—The Editors.]

► The Democrats *Still* Like Ike

SIRS:

In his rejoinder last week to my piece Representative Richard Bolling has underscored far better than I did the dilemma which confronts Democrats in 1956. That dilemma goes double for so fine a liberal as Mr. Bolling.

By his own scorekeeping, Mr. Bolling has got to ask the voters of Kansas City to vote against a Republican President to whom Mr. Bolling gave support 74 percent of the time on domestic issues and 100 percent of the time on foreign issues.

Let us picture Mr. Bolling addressing a political rally a year from next fall. Let us imagine he is saying, as he said in his letter published last week:

> This Democrat thinks that Dwight D. Eisenhower is proving himself to be one of our weakest Presidents, that he does not work at the job of Chief Executive hard enough, and that he has permitted his Administration to fall into the hands of a group of men who are convinced that big business alone knows what's good for the country.

That's the stuff to give the troops! That's good Democratic doctrine, it's good campaigning and it ought to arouse the enthusiasm of the voters. Certainly it ought to rally faithful Democrats.

But suppose somebody gets up in the back of the hall and says: "Mr. Bolling, if President Eisenhower is such a weak President, how does it happen you supported him 74 percent of the time on domestic issues and 100 percent of the time on foreign policy questions?"

All Mr. Bolling can do, I suppose, is give the same answer that he gave in the letter to your magazine. It was: "I'm still voting largely for the same, well-tested program of the Democratic New Deal and Fair Deal which, although watered down by the Republican Administration, is still the best of the choices I have when I cast my votes."

How's that, now? Did Mr. Bolling say the reason he votes for the Eisenhower domestic program is that it's the most liberal thing offered him? Well now, that clears Mr. Bolling's skirts among the liberal voters of Kansas City. But does it offer any reason why Mr. Eisenhower should not be re-elected?

Above all, does it offer any reason why the voter, liberal or otherwise, should prefer the Democratic Party to the Republican Party? Or are we going to fall back on that old slogan of the 1954 Congressional campaign, "We Democrats will support Ike better than the Republicans would"? Is Mr. Bolling trying to help prove my assertion that the Democrats like what Ike likes better than the Republicans like it?

It's not too late, of course, for the Democrats to establish that they can do better than support a watered-down New Deal served up to them by the Eisenhower Administration. They can prove in the House that Lyndon Johnson's Senators really meant it when they passed a public housing bill far more liberal than the one recommended by the Administration.

They can prove in the House that Lyndon Johnson really meant it when the Senate adopted a minimum wage 10 cents higher than Eisenhower wanted.

Democrats still have a chance to prove they meant it when they leveled both barrels at the give-away, partnership power policy of the Eisenhower Administration. They can prove it by standing behind the House Appropriations committee's action nullifying the Dixon-Yates emasculation of the Tennessee Valley Authority.

But those three items offer the last chance at this session to prove that the cynics are wrong when they charge that the fix is in every time the Democrats act like Democrats instead of like Volunteers for Eisenhower.

If they don't seize these three opportunities, there is little reason for them to campaign against Dwight Eisenhower in 1956. For the people as a whole aren't going to winnow and sift Mr. Bolling out of the lot. They're more likely to conclude that there is no difference between a Democratic Congress and a Republican President.

And while they might conceivably elect a Republican President and a Democratic House and Senate, there is always a chance that they might just vote straight Republican.

ROBERT L. RIGGS

Washington, D. C.

► Why Can't Johnny Read?

SIRS:

I was moderately horrified by Lois M. Rettie's review of *Why Johnny Can't Read* (*NR*, June 13). The reviewer seemed to be speaking not for schoolteachers but for the educationist racket, which is one of the worst rackets in this country, outside of the loyalty racket. Most of the schoolteachers (and teachers of remedial reading) with whom I have talked, and all the college professors, agree that reading ability has fallen catastrophically in recent age groups, and many of them blame sight ("look and see" or "look-say") reading as the cause of the decline, though there are other causes too. . . . The educationist racket is the business of forbidding anyone to teach in public grade schools or high schools unless he has attended a teachers' college. . . . Recently lecturing to an audience of professors, a solid mass of Ph.D.'s, I told them what they knew already, that not one of them would be permitted to teach in a Connecticut high school unless he studied for an additional year in a teachers' college. The educationist racket also consists of introducing new theories of education every ten years, and oftener if possible, so that new textbooks will be required, written by educationists, and new courses will be attended in teachers' colleges, taught by educationists, all to the enrichment of educationists. Look-say reading is one of their theories, and it has produced a whole generation of near illiterates. What Miss Rettie doesn't know is that they're getting ready to drop the

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method for a newer or older one, requiring still another set of textbooks.

MALCOLM COWLEY

Sherman, Connecticut

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SIRS:

While I have not read *Why Johnny Can't Read* by Rudolph Flesch, I nevertheless feel that Miss Rettie is avoiding a point that Dr. Flesch evidently makes —namely, that the attempt to give children a word recognition reading vocabulary before they are taught by the phonetic approach can destroy the foundation of reading development for a considerable number of them. . . .

While I do not deny that many children make rapid progress through sight recognition, and that with ease and pleasure, nevertheless failure to grasp the initial experience produces an emotional set-back for which no later training can make up. I have seen this tragically brought out in the case of twins where the difficulty with memory picturing produced in one such unhappiness with the entire educational process that his whole approach to life and study was negatively affected.

As a teacher of many years experience it is for these children—and there are thousands of them throughout the country—that I protest at any initial training in reading which does not almost immediately separate those with a keen visual memory from those who need a slower more analytical approach.

EDNA LESSING

Flushing, New York

• • •

SIRS:

It is the *excessive reliance* on word-shape recognition, and the virtual elimination of phonetic analysis as a fundamental tool, that seems to be the root of the present decline in children's reading-ability. For, what good is it to be able to read fast if your reading has to be limited to those words you have memorized in school? Such a situation is clearly extremely anti-educational; the child *has* to have phonics if he is to develop his own reading vocabulary.

It needs to be emphasized too that not all children have the good visual recall that is needed to make the word-shape system work well. When they try to visualize a word in memory they may get a letter or so wrong, or be unable to recall it at all without tremendous repetition; in this case, if the child does not know phonetic analysis, he will have to guess. Each effort the child with poor visual recall makes to force his inadequate ability merely emphasizes his inferiority in this respect; and as the pressure on him grows he may come to feel that he is trapped in an insoluble difficulty. Many promising minds could thereby be driven into a lifelong fear and hatred of reading.

D. C. KING

Port Jervis, New York

• • •

SIRS:

I read Miss Rettie's review of Dr. Rudolph Flesch's book with fascination. It is evidently that good lady's impression that such words as "doe" (do), "dwele" (dwell), "Wysse" (wise), "discreassione" (discretion), "geve" (give), "Wyffe (wife), "deates (debts), "hoole" (whole) and on through the Tudor lexicon of Gresham's will are *phonetic* approximations of the modern words themselves.

In that case I doff my plume hat to Lois Rettie, and observe that the mode of speech, while baffling to the butcher baker, and landlord, would probably have been more than adequate at the court of Henry VIII.

As for the gibe at Macaulay's, "Thank you, madam, my agony is abated," he was able to use that phrase more accurately than most parents today who watch their progeny, trained by sight-reading, struggle with those long words in *Treasure Island.*

STANLEY ELLIN

Brooklyn, N. Y.

► Lyndon Johnson's Role

SIRS:

I have just read Elizabeth Donahue's article "The Prosecution Rests" in the May 23 issue. The theme of the article is criticism of Majority Leader Lyndon Johnson for allegedly not co-operating in furthering plans by Sen. Olin Johnston, Senator Magnuson and myself. One paragraph is devoted to the theme that Senator Johnson had something to do with my failure to become Chairman of the Subcommittee of the Judiciary Committee investigating monopolies and antitrust matters, and that also he had something to do with the failure of this committee to carry on the investigation of the Administration's unfavorable attitude to REA, TVA and public power in general.

It is true that I would like to have been chairman of this committee and that I have been disappointed that these investigations have not been carried on as yet. However, the criticism of Senator Johnson is not justified. He supported the appropriation and told me on a number of occasions that if I became the chairman he would be happy to further any efforts the committee made.

ESTES KEFAUVER

United States Senate
Washington, D. C.

► Correction

SIRS:

I should like to correct two errors that appeared in the note identifying me in your issue of June 12.

The Southern Regional Council last year received a major grant from the Fund for the Republic, an independent agency devoted to the promotion of the principles of the Constitution and the Bill of Rights. My position with the SRC is assistant director for information.

HAROLD C. FLEMING

Southern Regional Council
Atlanta, Georgia

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